STATE OF NEW YORK

1832

2019-2020 Regular Sessions

IN ASSEMBLY

January 17, 2019

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to allowing bed and breakfasts to sell cider, liquor, beer and wine

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 4 of section 51 of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2014, is amended to read as follows:

4. A licensed brewery may operate a restaurant, **a** hotel, **an establishment designated and commonly known and operated as a bed and breakfast, a** catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, beer manufactured by the licensee and any New York state labeled beer. All of the provisions of this chapter relative to licenses to sell beer at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed brewer may apply to the liquor authority for a license to sell beer, wine or liquor at retail for consumption on the premises at such establishment. All of the provisions of this chapter relative to licenses to sell beer, wine or liquor at retail for consumption on the premises shall apply so far as applicable to such application.

§ 2. Paragraph (g) of subdivision 2 of section 51-a of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2014, is amended to read as follows:

(g) operate a restaurant, **a** hotel, **an establishment designated and commonly known and operated as a bed and breakfast, a** catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, beer and cider manufactured by the licensee and any New

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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York state labeled beer or New York state labeled cider. All of the provisions of this chapter relative to licenses to sell beer at retail for consumption on and off the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed farm brewery may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment;

§ 3. Paragraph (g) of subdivision 2 of section 51-a of the alcoholic beverage control law, as amended by chapter 522 of the laws of 2018, is amended to read as follows:

(g) operate a restaurant, **a** hotel, **an establishment designated and commonly known and operated as a bed and breakfast, a** catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, beer, cider, and braggot manufactured by the licensee and any New York state labeled beer, New York state labeled braggot or New York state labeled cider. All of the provisions of this chapter relative to licenses to sell beer, cider, and braggot at retail for consumption on and off the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed farm brewery may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment;

§ 4. Subparagraph (ii) of paragraph (f) of subdivision 2 of section 58-c of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2014, is amended to read as follows:

(ii) operate a restaurant, **a** hotel, **an establishment designated and commonly known and operated as a bed and breakfast, a** catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, cider manufactured by the licensee and any New York state labeled cider. All of the provisions of this chapter relative to licensees to selling cider at retail shall apply. Notwithstanding any other provision of law, the licensed farm cidery may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment;

§ 5. Subparagraph (ii) of paragraph (e) of subdivision 2-c of section 61 of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2014, is amended to read as follows:

(ii) operate a restaurant, **a** hotel, **an establishment designated and commonly known and operated as a bed and breakfast, a** catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, liquor manufactured by the licensee and any New York state labeled liquor. All of the provisions of this chapter relative to licenses to sell liquor at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensee may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

§ 6. Subdivision 5-a of section 64 of the alcoholic beverage control law, as added by chapter 480 of the laws of 2003, is amended to read as follows:

5-a. Notwithstanding the provisions of subdivision five of this section, a liquor license may be issued under this section to an establishment designated and commonly known and operated as a "bed and break-

fast" regardless of whether or not a restaurant is operated in such establishment[~~, provided that such license shall only permit the sale of alcoholic beverages to overnight guests of such establishment~~].

§ 7. Subdivision 4-a of section 76 of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2014, is amended to read as follows:

4-a. A licensed winery may operate a restaurant, **a** hotel, **an establishment designated and commonly known and operated as a bed and breakfast, a** catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, wine and wine products manufactured by the licensee and any New York state labeled wine or New York state labeled wine product. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed winery may apply to the authority for a license under article four of this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

§ 8. Subdivision 4-a of section 76 of the alcoholic beverage control law, as amended by chapter 522 of the laws of 2018, is amended to read as follows:

4-a. A licensed winery may operate a restaurant, **a** hotel, **an establishment designated and commonly known and operated as a bed and breakfast, a** catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, wine, mead and wine products manufactured by the licensee and any New York state labeled wine, mead or New York state labeled wine product. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed winery may apply to the authority for a license under article four of this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

§ 9. Paragraph (f) of subdivision 2 of section 76-a of the alcoholic beverage control law, as amended by chapter 431 of the laws of 2014, is amended to read as follows:

(f) operate a restaurant, **a** hotel, **an establishment designated and commonly known and operated as a bed and breakfast, a** catering establishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, wine, cider and wine products manufactured by the licensee and any New York state labeled wine, New York state labeled cider or New York state labeled wine product. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed winery may apply to the authority for a license under article four of this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

§ 10. Paragraph (f) of subdivision 2 of section 76-a of the alcoholic beverage control law, as amended by chapter 522 of the laws of 2018, is amended to read as follows:

(f) operate a restaurant, **a** hotel, **an establishment designated and commonly known and operated as a bed and breakfast, a** catering estab-

lishment, or other food and drinking establishment in or adjacent to the licensed premises and sell at such place, at retail for consumption on the premises, wine, cider, and mead manufactured by the licensee and any New York state labeled wine, New York state labeled cider, New York state labeled mead or New York state labeled wine product. All of the provisions of this chapter relative to licenses to sell wine at retail for consumption on the premises shall apply so far as applicable to such licensee. Notwithstanding any other provision of law, the licensed farm winery may apply to the authority for a license under this chapter to sell other alcoholic beverages at retail for consumption on the premises at such establishment.

§ 11. This act shall take effect immediately; provided however, that:

(a) the amendments to paragraph (g) of subdivision 2 of section 51-a of the alcoholic beverage control law made by section three of this act shall take effect on the same date and in the same manner as section 10 of chapter 522 of the laws of 2018, takes effect;

(b) the amendments to subdivision 4-a of section 76 of the alcoholic beverage control law made by section eight of this act shall take effect on the same date and in the same manner as section 18 of chapter 522 of the laws of 2018, takes effect; and

(c) the amendments to paragraph (f) of subdivision 2 of section 76-a of the alcoholic beverage control law made by section ten of this act shall take effect on the same date and in the same manner as section 21 of chapter 522 of the laws of 2018, takes effect.

Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.